

CHAPTER 181
SECONDHAND & BUSINESS SALES

[Adopted 2011 by act of Council]

Article I:
Secondhand Sales License

181-1. In General.

It shall be unlawful for any person to conduct a garage sale, yard sale, sidewalk sale, or street sale within the Town of Pennington Gap without first obtaining a permit therefore from the Town in compliance with the provisions of this Chapter.

181-2. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. “Business sale” – Shall mean an outdoor display of goods or merchandise for sale via a garage sale, yard sale, sidewalk sale, or street sale conducted by a business, corporation, partnership, or other entity, other than in the normal course of business.
- B. “Garage sale” – Shall mean any sale of any new or used household articles, household goods, clothing, furniture, food, dishes, antiques, merchandise, or goods of any kind to the public at large, operated out of a single-family dwelling or a two-family dwelling or a multiple-family dwelling, being of two hours' duration or more.
- C. “Goods” – Shall include any goods, wares, merchandise or any other property capable of being the object of a sale regulated under this article.
- D. “Secondhand Sales” – Shall include all Garage Sales, Sidewalk Sales, and Street Sales as defined in this Article.
- E. “Sidewalk Sale” – Shall mean any sale of merchandise or goods by a business or individual, on a street or sidewalk or open space located at a business address, being of two hours' duration or more.
- F. “Street Sale” – Shall mean the sale any new or used articles, household articles, household goods, clothing, furniture, food, dishes, antiques, merchandise, or goods of any kind of any kind to the public at large being conducted in a parking lot, from an abandoned building or structure, sidewalk, automobile, or other business or residential property in all zoning districts, being of two hours' duration or more.
- G. “Yard Sale” – Shall mean the sale of any new or used household articles, household goods, clothing, furniture, food, dishes, antiques, merchandise, or goods of any kind to the public at large at any specific residential location, both indoors and outdoors, in all zoning districts, being of two hours' duration or more.

**Article II:
Permit Requirements**

181-3. Permit Required; Limitations.

- A. No yard sale, garage sale, sidewalk sale, or street shall be held until the person or business conducting such sale shall have first obtained a sale permit from the Town.
- B. Permits shall be obtained by application to the Permit Officer, representative authorized by the Town to grant said application. The Town Council shall designate a Permit Officer or Officers as the representative authorized by the Town to grant said application. Said Permit Officer may be the Town Manager, Town Mayor, or other designated individual appointed at the discretion of the Town Council by resolution of the Town Council.
- C. The fee for such permit shall be as follows:
 - i. For a yard sale or garage sale: \$5.00.
 - ii. For a sidewalk sale or street sale: \$15.00.
 - iii. In the event the sale is solely for a legitimate charitable purpose, no fee shall be required.
- D. The Town may issue sale permits only to the owner of record or tenant of record of the residential property or residential unit upon which such sale is to take place.
- E. A permit issued pursuant hereto shall specifically state the name of the holder of such permit, the location of the permitted sale and the date(s) for which such sale is permitted.
- F. Application for more than two permits for the same address within one year shall be reason for the denial of the permit by the Town.
- G. Application must be made at least 24 hours in advance of such proposed sale. Application made less than 24 hours in advance of such proposed sale shall be reason for the denial of the permit by the Town.

181-4. Permit Application.

- A. The application for any yard sale or garage sale permit shall be made by the owner of record of the residence or by the legal tenant of a specified residential rental unit, at or upon which such sale is to take place and shall be made at least 24 hours in advance of such proposed sale and shall set forth the following information:

- i. the full name of the applicant and all other owners of record of the residential property at or upon which such sale is to take place;
- ii. the address at which the sale will be held and also the address at which the applicant resides and a telephone number at which the applicant may be contacted;
- iii. a brief description of the articles, and goods to be sold at such yard sale;
- iv. the proposed dates and hours of such sale; and
- v. such application shall be accompanied by a \$5.00 permit fee to the Town of Pennington Gap which fee shall be fully refundable in the event of the denial of any permit required by this article; or if such sale is solely for charitable purposes, such application shall be accompanied by a sworn statement providing that the sale is solely for legitimate charitable purposes and the nature of the charitable purpose.

B. The application for any sidewalk sale or street sale permit shall be made by the owner/manager of the business conducting the sale, or by the individual person conducting the sale, and shall be made at least 24 hours in advance of such proposed sale and shall set forth the following information:

- i. the full name of the applicant and all other owners of record of the business or residential property at or upon which such sale is to take place;
- ii. the address at which the sale will be held and also the address at which the applicant resides and a telephone number at which the applicant may be contacted;
- iii. a brief description of the articles, and goods to be sold at such sale;
- iv. the proposed dates and hours of such sale; and
- v. such application shall be accompanied by a \$15.00 permit fee, to the Town of Pennington Gap which fee shall be fully refundable in the event of the denial of any permit required by this article; or if such sale is solely for charitable purposes, such application shall be accompanied by a sworn statement providing that the sale is solely for legitimate charitable purposes and the nature of the charitable purpose.

**Article III:
Business Sales**

181-4. Generally.

Business Sales and the sales of merchandise or goods by a business at a “sidewalk sale,” “street sale,” or open space located at a business address is prohibited unless a specific “business sale permit” for such has been issued by the Town based upon regulations established by the Town governing such sales.

**Article IV:
Operation & Enforcement**

181-5. Sale Cancellation or Postponement.

In the event that the holder of a sale permit elects not to conduct such sale on any of the dates permitted, due to inclement weather or any other reason, such permit holder shall be entitled to conduct such sale on some further date after notice to and approval of the Town.

181-6. Operating Requirements.

The following general operating requirements shall apply to all sales regulated by this Chapter:

- A. During the hours of such sale, a permit issued as required hereunder shall be made available for inspection upon request by any Town of Pennington Gap police officer or any authorized representative of the Town.
- B. The conduct of the sale shall not interfere with the orderly flow of pedestrian or vehicular traffic.
- C. There shall be no parking on any main thoroughfare in which a sale is being conducted.
- D. It shall be unlawful for any person to hold more than two sales at the same location within one year last past from the date of such person's current sale.
- E. It shall be unlawful for any person to conduct a sale lasting longer than three consecutive days.
- F. It shall not commence before 6:00 a.m., nor continue past sundown.
- G. Sale goods may not be displayed in the public right-of-way, and all sale goods shall be arranged so that fire safety service and other officials may have access for inspection at all times during the sale.

H. No individual, firm, corporation or other partnership shall be permitted to engage in the business of promoting or conducting sales for others for a fee or other consideration.

181-7. Sale Signs.

- A. No signs advertising the sale or giving directions to its location shall be used, erected or allowed, except as provided in this Article.
- B. One sign shall be allowed in the front yard of the sale location and one additional sign shall be allowed at the terminus of side and collector streets where the streets intersect major thoroughfares, not to be located in the street right-of-way, during the time of the sale.
- C. It shall be the obligation of the holder of a sale permit to remove any and all publicly posted notices of such sale by twelve (12) noon on the date immediately following the last day of such yard sale as permitted by the Town.
- D. Signs for which a sign permit shall not be required, shall not exceed 2 feet wide and 2 feet long and shall not be affixed to any trees, poles or public property and shall not be placed in such a manner as to obstruct the view of pedestrian or vehicular traffic.

181-8. Enforcement.

This Chapter 181 shall be primarily enforced by the Town of Pennington Gap Police Department. Enforcement for violation of this Chapter 181 shall be by criminal complaint or by non-criminal disposition as hereunder provided.

181-9. Penalty.

Any violation of this article shall constitute a class 3 misdemeanor.

181-10. Exceptions.

The provisions of this chapter shall not apply to sales of personal property made under court order or process.

181-11. Effective Date.

This Ordinance shall take effect upon its passage.